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Superior Court Case Summary

Court: King Co Superior Ct
Case Number: 09-2-14120-7

Sub	Docket Date	Docket Code	Docket Description	Misc Info
1	03-31-2009	SMCMP	Summons & Complaint	
2	03-31-2009	*ORSCS JDG0005	Set Case Schedule Judge Steven Gonzalez, Dept 5	09-13- 2010ST
3	03-31-2009	CICS LOCS	Case Information Cover Sheet Original Location - Seattle	
4	03-31-2009	LSPND	Lis Pendens	
6	03-31-2009	MT	Mtn/memo Re Temp Rest Order / Pla	
7	03-31-2009	DCLR	Declaration Of Bruce Hull	
8	04-06-2009	NTAB	Notice Of Absence/unavailability	
9	04-06-2009	AFSR	Affidavit/dclr/cert Of Service	
10	04-06-2009	AFSR	Affidavit/dclr/cert Of Service	
11	05-14-2009	NTMTDK ACTION	Note For Motion Docket Temp Restraining Ord	05-21- 2009MX
12	05-14-2009	MT	Motion & Memo Fr Temp Rest Ord/pltf	
13	05-14-2009	DCLR	Declaration Of Bruce M Hull	
14	07-17-2009	NTMTDK ACTION	Note For Motion Docket Temp Restraining Ord	07-23- 2009MX
15	08-04-2009	AMCPT	Amended Complaint	
17	08-06-2009	NTMTDK ACTION	Note For Motion Docket Temp Rest Order	08-13- 2009MX
18	08-06-2009	MT	Motion Fr Temporary Restraining Ord	
19	08-06-2009	DCLR	Declaration Of Bruce Hull	
20	08-11-2009	AFSR	Affidavit/dclr/cert Of Service	
21	08-12-2009	NTAPR Not	ice Of	

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If you are viewing a district municipal, or appellate court docket, you may be able to see future court appearances or calendar dates if there are any. Since superior courts generally calendar their caseloads on local systems, this search tool cannot display superior court calendaring information.

Contact Information

King Co Superior Ct
516 3rd Ave, Rm C-203
Seattle, WA 98104-2361

Map & Directions
206-296-9100[Phone]
206-296-0986[Fax]

Visit Website
206-205-5048[TDD]

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23 08-13-2009 AFSR Affidavit/dclr/cert Of
Service

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24 08-27-2009 NTWDA Notice Of Withdrawal
Of Attorney

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09 MAR 31 PM 1:11

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 09-2-14120-7 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

VLADIMIR V. ZAYTSEV, an unmarried
individual;

Plaintiff,

v.

CAL-WESTERN RECONVEYANCE
CORPORATION OF WASHINGTON, a
Washington corporation, HOMECOMINGS
FINANCIAL NETWORK, INC., a Delaware
corporation, and MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., a California company.

Defendants.

No.:

SUMMONS

20 days

TO: CAL-WESTERN RECONVEYANCE CORPORATION OF WASHINGTON, a Washington
corporation, and
TO: HOMECOMINGS FINANCIAL NETWORK, INC., a Delaware corporation.

SUMMONS- 1

THE LAW OFFICES OF BRUCE M. HULL
A Professional Limited Liability Corporation
14100 SE 36th Street, Suite 100
Bellevue, WA 98006
Phone: (425) 378-8088
Fax: (425) 378-3373

1 TO THE DEFENDANTS: A lawsuit has been started against you in the above-entitled court
2 by plaintiff Vladimir V. Zaytsev. Plaintiff's claims are stated in the written complaint, a copy of
3 which is served upon you with this summons.

4 In order to defend against this lawsuit, you must respond to the complaint by stating your
5 defense in writing, and by serving a copy upon the person signing this summons within twenty (20)
6 days after the service of this summons, excluding the date of service, or a default judgment may be
7 entered against you without notice. A default judgment is one where plaintiffs are entitled to what has
8 been asked for because you have not responded. If you serve a notice of appearance on the
9 undersigned attorneys, you are entitled to notice before a default judgment may be entered.
10


11 You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand
12 must be in writing and must be served upon the person signing this summons. Within 14 days after
13 you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this
14 summons and complaint will be void.
15

16 If you wish to seek the advice of an attorney in this matter, you should do so promptly so that
17 your written response, if any, may be served on time.

18 THIS SUMMONS is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
19 of Washington, and RCW 4.28.180.
20

21 DATED this 31st day of March 2009.

22 LAW OFFICES OF BRUCE M. HULL, pllc

23 By: 
24 Bruce M. Hull, WSBA # 18943
25 Attorneys for Plaintiff
26 Vladimir V. Zaytsev

SUMMONS-2

THE LAW OFFICES OF BRUCE M. HULL
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~~~~~  
Case Number: 09-2-14120-7  
Case Title: Vladimir V. Zaytsev vs Cal-Western Reconveyance Corporation of  
Washington, et. al.  
Document Title: SUMMONS & COMPLAINT  
User's Name: Bruce Hull  
Filed Date: 3/31/2009 1:11:05 PM

User Signed

Signed By: Bruce Hull  
WSBA #: 18943  
Date: 3/31/2009 1:05:24 PM

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

VLADIMIR V. ZAYTSEV, an unmarried  
individual;

Plaintiff,

v.

CAL-WESTERN RECONVEYANCE  
CORPORATION OF WASHINGTON, a  
Washington corporation, HOMECOMINGS  
FINANCIAL NETWORK, INC., a Delaware  
corporation, and MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., a  
California company.

Defendants.

No.:

**COMPLAINT TO RESTRAIN  
TRUSTEE'S SALE , TEMPORARY  
RESTRAINING ORDER AND FOR  
RESCISSION, DAMAGES, OFFSET  
AND RECOUPMENT**

COMES NOW plaintiff Vladimir V. Zaytsev ("Plaintiff"), by and through his attorneys, Law  
Offices of Bruce M. Hull pllc, to allege as follows:

**I. PARTIES**

1. Plaintiff is a resident of King County.
2. Defendant Cal-Western Reconveyance Corporation of Washington ("Trustee") is a

COMPLAINT FOR DAMAGES AND  
RESTRAINT OF TRUSTEE'S SALE- 1

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1 Washington corporation that transacts business place of business in King County,  
2 Washington. Trustee does business in and has sufficient contacts with the State of  
3 Washington to be subject to both general and specific jurisdiction.

4 3. Trustee's agent for service of process in Washington State is National Registered Agents,  
5 Inc., 1780 Barnes BLVD SW BLDG G, Tumwater, WA 98512-0410.

6 4. Defendant Homecomings Financial Network, Inc. ("Homecomings") is a Delaware company  
7 that, during all relevant times, transacted business in King County, Washington.  
8 Homecomings does business in and has sufficient contacts with the State of Washington to  
9 be subject to both general and specific jurisdiction.

10 5. Defendant Mortgage Electronic Registration Systems, Inc. ("MERS") is a California company  
11 that transacts business place of business in King County, Washington. MERS does business  
12 in and has sufficient contacts with the State of Washington to be subject to both general and  
13 specific jurisdiction.  
14  
15  
16

## 17 II. JURISDICTION AND VENUE

18 6. Jurisdiction is proper pursuant to RCW 2.08.010 because the Court possesses jurisdiction  
19 over the subject matter of this action and personal jurisdiction over the parties.

20 7. Jurisdiction is also proper pursuant to 15 USC 1640(e).

21 8. Venue is proper in King County pursuant to RCW 4.12.025 because the defendants transact  
22 business in King County, Washington, and many of the events described herein took place in  
23 King County, Washington.  
24  
25  
26

COMPLAINT FOR DAMAGES AND  
RESTRAINT OF TRUSTEE'S SALE- 2

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**III. FACTUAL BACKGROUND**

9. Plaintiff is a recent immigrant from Russia and speaks, reads, writes and understands only limited English.
10. In June 2008 plaintiff received an unsolicited offer in the mail from Jason Berge of West Horizon Financial, Inc. ("Broker") promising Broker could obtain lower interest rates and payments for plaintiff.
11. Plaintiff and his brother Yuri Zaytsev then contacted Broker shortly thereafter and met with Mr. Berge and explained he wanted a fixed rate loan at an interest rate lower than his current 7% loan.
12. Mr. Berge and Broker assured plaintiff they could get him this type of loan but provided nothing in writing rather they requested plaintiff complete a loan application first.
13. Plaintiff ultimately applied for a home loan to refinance a loan used to purchase his personal residence on or about June 28, 2006 through Mr. Berge and Broker. The application was taken by Mr. Berge over the phone.
14. At all relevant times Broker was acting as an agent for Homecomings.
15. Plaintiff was led to believe from Broker he was getting a low interest fixed rate loan which would remain at a low interest rate for the entire term of the loan.
16. Broker transferred to plaintiff's loan application to Homecomings which approved it.
17. Plaintiff entered into a subprime loan transaction with defendants Homecomings and MERS on or about July 20, 2006, in which Plaintiff borrowed \$367,200.00 from defendant Homecomings (the "Loan").
18. The proceeds of the Loan were used to refinance a loan used to purchase the principal

COMPLAINT FOR DAMAGES AND  
RESTRAINT OF TRUSTEE'S SALE- 3

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1 dwelling of the Plaintiff at 26257 125<sup>th</sup> PL SE, Kent, Washington 98030 ("Principal  
2 Dwelling").

3 19. At all relevant times the Principal Dwelling is the principal dwelling and primary residence  
4 of the Plaintiff.

5 20. The Loan was a closed end consumer credit transaction in which a security interest was  
6 retained or acquired in Plaintiff's Principal Dwelling which was consummated within three  
7 years of the date of the underlying Loan transaction and was not a residential mortgage  
8 transaction or other exempted transaction under 12 USC 1601 et. seq.

9  
10 21. The Loan was evidenced by an (option arm) Adjustable Rate Note dated July 20, 2006 in the  
11 amount of \$367,200.00 (the "Note").

12 22. The Note contained a "teaser" interest rate of only 1% per annum effective for only the first  
13 payment with interest subject to change each month thereafter with a cap set at 9.95%.

14  
15 23. The Note contained a prepayment penalty equal to six months "advance interest" on the  
16 amount of the prepayment.

17 24. The Note was secured by "Deed of Trust" granted by Plaintiff in favor of MERS  
18 ("Beneficiary"), acting solely as nominee for Homecomings, dated July 20, 2006 and  
19 recorded July 25, 2006 under Auditor's File No. 20060725001308 in the records of King  
20 County, Washington against Plaintiff's Principal Dwelling.

21  
22 25. Plaintiff later learned that he had a negative amortization loan and that his principal balance  
23 was increasing each month.

24 26. Plaintiff contacted Mr. Berge and Broker and complained about the interest rate adjustments  
25 and the increasing principal balance but was told by Mr. Berge not to worry as the value of  
26

COMPLAINT FOR DAMAGES AND  
RESTRAINT OF TRUSTEE'S SALE- 4

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1 the property was increasing so he would not lose money.

2 27. Trustee sent the Notice of Trustee's Sale to Plaintiff on or about January 13, 2009.

3 28. The Notice of Trustee's Sale provided notice of the sale of Plaintiff's Principal Dwelling to  
4 occur April 17, 2009 pursuant to the Deed of Trust.

5 29. Defendant Homecomings is the lender under the Note and the Loan servicer.  
6

7  
8 **IV. FIRST CAUSE OF ACTION**

9 **Rescission**

10 30. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 29  
11 above.

12 31. Plaintiff's Loan was a credit transaction in which a security interest is or will be retained or  
13 acquired in a consumer's principal dwelling as set forth in 12 CFR §226.23.  
14

15 32. Plaintiff has the right to rescind the foregoing credit transaction and may exercise this right  
16 upon delivery of the notice of the right to rescind required to be provided by defendants (or  
17 their assignors) or delivery of all material disclosures, whichever occurs last. 15 USC  
18 §1635(a) and 12 CFR §226.23(a).

19 33. Plaintiff never received the required notice of the right to rescind required to be provided by  
20 defendants (or their assignors) or delivery of all material disclosures.  
21

22 34. Plaintiff's complaint was filed less than three (3) years since the consummation of the  
23 plaintiff's Loan and plaintiff continues to have this right to rescind this transaction.

24 35. Plaintiff has properly notified defendants of the rescission.

25 36. As a result of this rescission, the security interest of defendant Homecomings giving rise to  
26

COMPLAINT FOR DAMAGES AND  
RESTRAINT OF TRUSTEE'S SALE- 5

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1 the right of rescission is void and plaintiff shall not be liable for any amount, including any  
2 finance charge, as permitted in 15 USC §1635(b) and 12 CFR §226.23(d).

3 37. Defendant Homecomings must return any money or property that has been given to anyone in  
4 connection with plaintiff's Loan transaction and shall take any action necessary to reflect the  
5 termination of the related security interest.  
6

7  
8 **V. SECOND CAUSE OF ACTION**

9 **Violation of the Truth In Lending Act, Real Estate Settlement Practices Act and Related**  
10 **Regulations by Defendant Homecomings**

11 38. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 37  
12 above.

13 39. Plaintiff was not provided material disclosures and other loan documentation prior to and  
14 after Plaintiff's Loan transaction was consummated.  
15

16 40. These deficiencies include without limitation the following:

17 a. Not all preliminary or early disclosures were given to the Plaintiff as required by 12  
18 CFR §226.17(b) and 226.19(a);

19 b. No Itemization of amount financed or disclosure telling the Plaintiff he is entitled to  
20 that disclosure in writing as required by 12 CFR §226.18(c);

21 c. A Good Faith Estimate of the sub-prime loan may not have been given to Plaintiff;

22 d. Plaintiff did not receive an accurate Truth in Lending Disclosure Statement in  
23 violation of 12 CFR §226.17 and 18;  
24

25 e. The APR is understated by 0.5468% in violation of 12 CFR §226.22;  
26

COMPLAINT FOR DAMAGES AND  
RESTRAINT OF TRUSTEE'S SALE- 6

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1 f. Homecomings paid Broker a yield spread premium of \$11,016.00 which was not  
2 properly disclosed as required by the Real Estate Settlement Procedures Act in  
3 violation of 12 USC §2607 and in violation of 12 CFR §226.17(c).

4 41. Such deficiencies violate the provisions of the Truth In Lending Act (15 USC §1601 et. seq.)  
5 and the Related Regulation Z (12 CFR §226 et. seq.).  
6  
7

8 **VI. THIRD CAUSE OF ACTION**

9 **Violation of the Washington Consumer Protection Act by Defendant Homecomings**

10 42. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 41  
11 above.

12 43. The conduct of defendant Homecomings and its agents and representatives constitute unfair  
13 or deceptive acts or practices in violation of the Washington Consumer Protection Act RCW  
14 19.86 et. seq.  
15  
16

17 **VII. PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff prays for relief as follows:

- 19 1. Judgment against defendant Homecomings for damages, recoupment, setoff, actual and  
20 statutory damages, penalties and attorneys' fees and costs as provided in the Truth In Lending  
21 Act 15 USC 1601 et. seq., the underlying regulations 12 CFR 226 et. seq., and the Real Estate  
22 Settlement Procedures Act 12 USC 2601 et. seq.;
- 23 2. Judgment against defendant Homecomings for damages and reasonable attorneys' fees and  
24 costs as provided in the Washington Consumer Protection Act RCW 19.36 et. seq.;
- 25  
26


COMPLAINT FOR DAMAGES AND  
RESTRAINT OF TRUSTEE'S SALE- 7

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3. For an order against defendant Trustee and Homecomings that the Trustee's Sale scheduled for April 17, 2009 at 10:00 a.m. be restrained and a temporary restraining order and preliminary injunction be granted to restrain such sale;
4. For an order against defendant Homecomings declaring plaintiff's Loan transaction is rescinded in favor of plaintiff and that defendant Homecomings' security interest is void;
5. For an order against defendant Homecomings in favor of plaintiff ordering defendants to comply with the rescission provisions of 15 USC §1635(a) and 12 CFR §226.23(d);
6. In the alternative, if no order of rescission is granted, for an order restructuring the terms and conditions of plaintiff's Loan agreements and security documents pursuant to 15 USC §1635(b) and 12 CFR §226.23(d)(4);
7. An award of pre-judgment and post-judgment interest, as allowed by law;
8. Costs of suit, including an award of reasonable attorneys' fees; and
9. For such other and further relief as the Court deems just and equitable.

DATED this 31<sup>st</sup> day of March 2009.

LAW OFFICES OF BRUCE M. HULL, pllc

By:   
Bruce M. Hull, WSBA # 18943  
Attorneys for Plaintiff  
Vladimir V. Zaytsev

COMPLAINT FOR DAMAGES AND  
RESTRAINT OF TRUSTEE'S SALE- 8

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KING COUNTY  
 SUPERIOR COURT CLERK  
 E-FILED  
 CASE NUMBER: 09-2-14120-7 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
 IN AND FOR THE COUNTY OF KING

Vladimir V. Zaytsev

NO. 09-2-14120-7 SEA

Order Setting Civil Case Schedule (\*ORSCS)

vs

Plaintiff(s)

Cal-Western Reconveyance Corporation of  
 Washington, et. al.ASSIGNED JUDGE Gonzalez 5

FILE DATE: 03/31/2009

Defendant(s)

TRIAL DATE: 09/13/2010

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

## I. NOTICES

**NOTICE TO PLAINTIFF:** The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the *Schedule* on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

**"I understand that I am required to give a copy of these documents to all parties in this case."**

---

 Print Name

---

 Sign Name



**I. NOTICES (continued)****NOTICE TO ALL PARTIES:**

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLCR] -- especially those referred to in this **Schedule**. In order to comply with the **Schedule**, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

**CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:**

A filing fee of **\$200** must be paid when any answer that includes additional claims is filed in an existing case.

**KCLCR 4.2(a)(2)**

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

**PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:**

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this **Schedule** are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

**If you miss your scheduled Trial Date**, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

**NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:**

*All parties to this action must keep the court informed of their addresses.* When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

**ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:**

A Statement of Arbitrability must be filed by the deadline on the schedule **if the case is subject to mandatory arbitration** and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. **Any party filing a Statement must pay a \$220 arbitration fee.** If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

**NOTICE OF NON-COMPLIANCE FEES:**

**All parties** will be assessed a fee authorized by King County Code 4.71.050 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

**King County Local Rules are available for viewing at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk).**



## II. CASE SCHEDULE

| CASE EVENT                                                                                                                                                                                    | DEADLINE<br>or<br>EVENT DATE | Filing<br>Needed |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------|
| Case Filed and Schedule Issued.                                                                                                                                                               | Tue 03/31/2009               | *                |
| Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2].<br><b>\$220 arbitration fee must be paid</b>        | Tue 09/08/2009               | *                |
| <b>DEADLINE</b> to file Confirmation of Joinder if not subject to Arbitration. [See KCLCR 4.2(a) and Notices on Page 2].                                                                      | Tue 09/08/2009               | *                |
| <b>DEADLINE</b> for Hearing Motions to Change Case Assignment Area. [See KCLCR 82(e)]                                                                                                         | Tue 09/22/2009               |                  |
| <b>DEADLINE</b> for Disclosure of Possible Primary Witnesses [See KCLCR 26(b)].                                                                                                               | Mon 04/12/2010               |                  |
| <b>DEADLINE</b> for Disclosure of Possible Additional Witnesses [See KCLCR 26(b)].                                                                                                            | Mon 05/24/2010               |                  |
| <b>DEADLINE</b> for Jury Demand [See KCLCR 38(b)(2)].                                                                                                                                         | Mon 06/07/2010               | *                |
| <b>DEADLINE</b> for Setting Motion for a Change in Trial Date [See KCLCR 40(d)(2)].                                                                                                           | Mon 06/07/2010               | *                |
| <b>DEADLINE</b> for Discovery Cutoff [See KCLCR 37(g)].                                                                                                                                       | Mon 07/26/2010               |                  |
| <b>DEADLINE</b> for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)].                                                                                                             | Mon 08/16/2010               |                  |
| <b>DEADLINE</b> for Exchange Witness & Exhibit Lists & Documentary Exhibits [See KCLCR 4(j)].                                                                                                 | Mon 08/23/2010               |                  |
| <b>DEADLINE</b> to file Joint Confirmation of Trial Readiness [See KCLCR 16(a)(2)].                                                                                                           | Mon 08/23/2010               | *                |
| <b>DEADLINE</b> for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR 56].                                                                                                               | Mon 08/30/2010               |                  |
| Joint Statement of Evidence [See KCLCR (4)(k)].                                                                                                                                               | Tue 09/07/2010               | *                |
| <b>DEADLINE</b> for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file Proposed Findings of Fact and Conclusions of Law with the Clerk) | Tue 09/07/2010               | *                |
| Trial Date [See KCLCR 40].                                                                                                                                                                    | Mon 09/13/2010               |                  |

## III. ORDER

Pursuant to King County Local Civil Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Civil Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action **must** serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

DATED: 03/31/2009



PRESIDING JUDGE

#### **IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE**

##### **READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE**

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

**COMPLEX LITIGATION:** If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

**APPLICABLE RULES:** Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

##### **CASE SCHEDULE AND REQUIREMENTS**

Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

##### **THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.**

##### **A. Joint Confirmation regarding Trial Readiness Report:**

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment, etc.).

The form is available at <http://www.kingcounty.gov/courts/superiorcourt.aspx>. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding said report.

##### **B. Settlement/Mediation/ADR**

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.

**C. Trial:** Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website <http://www.kingcounty.gov/courts/superiorcourt.aspx> to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

#### **MOTIONS PROCEDURES**

##### **A. Noting of Motions**

**Dispositive Motions:** All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**Nondispositive Motions:** These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule 7 governs these motions, which include discovery motions. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**Motions in Family Law Cases not involving children:** Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**Emergency Motions:** Under the court's local civil rules, emergency motions will be allowed only upon entry of an Order Shortening Time. However, emergency discovery disputes may be addressed by telephone call and without written motion, if the judge approves.

#### **B. Original documents/working copies Filing of Documents**

**All original documents must be filed with the Clerk's Office.**

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator.

**Original Proposed Order:** Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. Do not file the original of the proposed order with the Clerk of the Court. Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order.

**Presentation of Orders:** All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

**Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department.** Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.**

**C. Form**

Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for nondispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

***IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.***



---

**PRESIDING JUDGE**

KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION  
and  
CASE INFORMATION COVER SHEET  
(rules)

In accordance with LC-RS-10, a filing document fee of \$15 will be assessed to new case filings using this sheet pursuant to King County Code 4.71.100.

CASE NUMBER: \_\_\_\_\_  
CASE CAPTION: VLADIMIR V. ZAYTSEV, et al. - WESTERN BELL CONVENIENCE STORE, INC., et al.  
CORPORATION OF WASHINGTON, et al.

I certify that this conforms to the case assignment criteria described in King County LC-R-82(c), for the

\_\_\_\_ Seattle Area, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way, all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

\_\_\_\_ Kent Area, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

Signature of Petitioner or Plaintiff \_\_\_\_\_

Date \_\_\_\_\_

or  
  
Signature of Attorney for  
Petitioner/Plaintiff

01/27/2010  
Date

18943  
WSHA Number

**COPY**

Case No. 2:10-cv-00164-JCC

**KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION**

**and  
CASE INFORMATION COVER SHEET**

This case assignment category best describes this case for indexing purposes. Accurate case indexing not only saves time for help to find case information, it also saves a family's courtment fee of \$15. A courtment fee of \$15 will be assessed to those cases that do not select a case assignment category. King County Code 47.100.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> <b>ADOPTION/PATERNITY</b><br><input type="checkbox"/> Adoption (AD) 5<br><input type="checkbox"/> Challenge to a Court Judgment of Paternity (PA) 5*<br><input type="checkbox"/> Child Support Judgment of Paternity (PA) 5*<br><input type="checkbox"/> Confidentiality Orders (MDC) 5<br><input type="checkbox"/> Interstate Placement of a Child (King County Paternity (MDC) 5)*<br><input type="checkbox"/> Infant Care Placement Report (PPR) 5<br><input type="checkbox"/> Modification (MOD) 5*<br><input type="checkbox"/> Modification-Support Only (MDS) 5*<br><input type="checkbox"/> Paternity Establishment/Denial (PAT) 5*<br><input type="checkbox"/> State of WA (PSA) (PAT) 5*<br><input type="checkbox"/> Out-of-State Custody Order Registration (OCS) 5<br><input type="checkbox"/> Out-of-State Support Order Registration (PHS) 5<br><input type="checkbox"/> Relocation (REL) 5<br><input type="checkbox"/> Relocation Order Modification (MOD) 5*<br><input type="checkbox"/> Revocation of Acknowledgment of Paternity (PAT) 5*<br><input type="checkbox"/> Acknowledgment of Paternity (AP) 5*<br><input type="checkbox"/> Termination of a Non-Child Relationship (TLP) 5 | <input type="checkbox"/> <b>DOMESTIC RELATIONS</b><br><input type="checkbox"/> Annulment/Invalidity (DVR) 2*<br><input type="checkbox"/> with dependent children? Y / N; wife pregnant? Y / N<br><input type="checkbox"/> Nonparental Custody (Cly) 3*<br><input type="checkbox"/> Dissolution With Children (DVR) 3*<br><input type="checkbox"/> Dissolution With No Children (DVR) 3*<br><input type="checkbox"/> wife pregnant? Y / N<br><input type="checkbox"/> Enforcement, Show Cause- Out of State (MDC) 5<br><input type="checkbox"/> Establish, Residential Scaled-Parenting Plan (PS) 3* 44<br><input type="checkbox"/> Establish Support Only (PS) 3* 44<br><input type="checkbox"/> Legal Separation (SLP) 3*<br><input type="checkbox"/> with dependent children? Y / N; wife pregnant? Y / N<br><input type="checkbox"/> Mandatory Wage Assignment (MWA) 3<br><input type="checkbox"/> Modification (MOD) 3*<br><input type="checkbox"/> Modification - Support Only (MDS) 3*<br><input type="checkbox"/> Out-of-state Custody Order Registration (OCS) 3<br><input type="checkbox"/> Out-of-State Support Court Order Registration (PHS) 3<br><input type="checkbox"/> Relocation Objection (MOD) 3* 44 45 |
| <input type="checkbox"/> <b>APPEAL REVIEW</b><br><input type="checkbox"/> Administrative Law Review (ALR) 20<br><input type="checkbox"/> Due Diligence Consent / Denial Refusal - any RCW 46.2.1306 (DCC) 2*                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> <b>DOMESTIC PARTNERSHIPS REGISTERED</b><br><input type="checkbox"/> Dissolution of Domestic Partnership (Wif. Child Prod) (DP) 3<br><input type="checkbox"/> Dissolution of Domestic Partnership (No Children) (DPN3)* pregnant? Y / N<br><input type="checkbox"/> Invalidity of Domestic Partnership (INP) 3*<br><input type="checkbox"/> with dependent children? Y / N; pregnant? Y / N<br><input type="checkbox"/> Legal Separation of Domestic Partnership (SPD) 3*<br><input type="checkbox"/> with dependent children? Y / N; pregnant? Y / N                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <input type="checkbox"/> <b>CONTRACT/COMMERCIAL</b><br><input type="checkbox"/> Breach of Contract (COM) 20<br><input checked="" type="checkbox"/> Commercial Contract (COM) 20<br><input type="checkbox"/> Commercial Real Estate (CRL) 20<br><input type="checkbox"/> Interactions Related to: With No Children (MIR) 20*<br><input type="checkbox"/> and No Pregnant<br><input type="checkbox"/> Third Party Contract (CRL) 20*                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> <b>DOMESTIC VIOLENCE/STALKING/HARASSMENT</b><br><input type="checkbox"/> Civil Harassment (HAR) 2<br><input type="checkbox"/> Confidential Name Change (CHN) 2<br><input type="checkbox"/> Domestic Violence (DV) 2<br><input type="checkbox"/> Domestic Violence with Children (DV) 2<br><input type="checkbox"/> Forensic Protection Order (FPO) 2<br><input type="checkbox"/> Sexual Assault Protection Order (SAPO) 2<br><input type="checkbox"/> Vulnerable Adult Protection (VAP) 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

† If court is still in progress, paternity is not an issue and NO other case exists in King County. \* The filing party will be prompted to accept the case schedule at time of filing. \*\* Case schedule will be issued after hearing and findings.

Document generated by King County

**KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION  
and  
CASE INFORMATION COVER SHEET**

Please check (ing) category that best describes this case for indexing purposes.

**JUDGMENT**

- ☐ Confession of Judgment (MSC 1)\*  
☐ Judgment, Another County, Abstract (AMJ 2)  
☐ Judgment, Another State or County (PJL 2)  
☐ Tax Warrant (JON 2)  
☐ Transcript of Judgment (TRJ 2)

- ☐ Limited Guardianship (LGD 4)  
☐ Minor Settlement (MSL 4)  
☐ Notice to Creditors (Only - NDC 2)  
☐ Trust (TRS 4)  
☐ Trust Estate Dispute Resolution (TRP, A - TRD 4)  
☐ Will Only - Deceased (WLO 4)

**PROPERTY RIGHTS**

- ☐ Condominium Transfer (Domestic) (CON 2)\*  
☐ Easement (E) (E 2)\*  
☐ Land Use Permit (LUP 2)\*  
☐ Property Eminent Domain (PEA 2)\*  
☐ Quiet Title (QT 2)\*  
☐ Unlawful Detainer (UD 2)

**TORT, ASBESTOS**

- ☐ Personal Injury-Schroeter (Am. Inv.) (PIN 2)\*  
☐ Personal Injury-Other (PIN 2)\*  
☐ Wrongful Death-Schroeter (Schroeter, Wrongful Death) (WLD 2)\*  
☐ Wrongful Death-Other (WLD 2)\*

**OTHER COMPLAINT/PETITION**

- ☐ Action to Compel/Terminate Private Binding Arbitration (MSC 2)  
☐ Certificate of Real Estate (MSC 2)  
☐ Change of Name (FDC 2)  
☐ Deposit of Surplus Funds (MSC 2)  
☐ Emancipation of Minor (EM 2)  
☐ Breach of Contract (BCL 2)  
☐ Injunction (INJ 2)\*  
☐ Intestator (MSI)  
☐ Malicious Harassment (MHHA 2)\*  
☐ Non-Malicious Tort (NMT 2)\*  
☐ Other Complaint/Petition (MSC 2)\*  
☐ Seizure of Property in the Commission of a Crime (SPR 2)\*  
☐ Seizure of Property Resulting from a Crime (SPR 2)\*  
☐ Structured Settlement (MSC 2)\*  
☐ Subpoena (MSU 2)

**TORT, MEDICAL MALPRACTICE**

- ☐ Hospital (MTD 2)\*  
☐ Medical Doctor (MED 2)\*  
☐ Other Health Care Professional (MHD 2)\*

**TORT, MOTOR VEHICLE**

- ☐ Death (TMV 2)\*  
☐ Non-Death Injury (TMV 2)\*  
☐ Property Damage (PRP 2)\*  
☐ Victims Vehicle Theft (VMT 2)\*

**TORT, NON-MOTOR VEHICLE**

- ☐ Injuries (PIN 2)  
☐ Other Malpractice (MAL 2)\*  
☐ Personal Injury (PIN 2)\*  
☐ Products Liability (PTL 2)\*  
☐ Property Damage (PRP 2)\*  
☐ Property Damage -Gang (PRG 2)\*  
☐ Tort -Other (TLO 2)\*

**PROBATE/GUARDIANSHIP**

- ☐ Absentee (ABS 4)  
☐ Delinquent (DNL 4)  
☐ Estate (EST 4)  
☐ Foreign Will (FNA 4)  
☐ Guardian (GNS 4)

**WRIT**

- ☐ Habeas Corpus (WHC 2)  
☐ Mandamus (WMD 2)\*  
☐ Review (WRV 2)\*

\* Case filing party will file a notice of non-appearance schedule at time of filing.  
 \*\*\* Case filing party will file a notice of non-appearance.

Informational Use Only - 9/2/09



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

Vladimir V. Zvyntsev, an unmarried  
individual

Plaintiff,

v.

CALWESTERN RECONVEYANCE  
CORPORATION OF WASHINGTON, a  
Washington corporation, HOMECOMINGS  
FINANCIAL NETWORK, INC., a Delaware  
corporation, and MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC., a California company

Defendants.

No. 09-2-14-2047

[Clerks Action Required]

LIS PENDENS

NOTICE IS HEREBY GIVEN pursuant to RCW 4 28 020 that the above named plaintiff has commenced an action against the above named defendants in the Superior Court for the above named County. Upon a summons and complaint this is notice of pendency of this action. The names of the parties to the action are set forth above. The object of the action is to restrain the Trustee's Sale of the plaintiff's real property and to recover damages arising out of a certain Deed of Trust recorded July 25, 2006, under Auditor's File No. 20060725001008. The description of the real

IN WITNESS WHEREOF,

**COPY**

THE LAW OFFICES OF BRIAN M. HULL  
1100 1<sup>st</sup> Avenue, Suite 2000  
Seattle, WA 98101  
Phone: 206.461.1100  
Fax: 206.461.1101  
brian@brianhull.com

property encumbered by the mortgage deed of trust and affected by the action is as follows:

LOT 5 OF DOCKRIDGE PARK, AS PER PLAT RECORDED IN VOLUME 17 OF  
PLATS, PAGES 88 THROUGH 90, RECORDS OF KING COUNTY  
AT OFFICE 114 IN THE CITY OF KENT, COUNTY OF KING, STATE  
OF WASHINGTON.

All persons dealing with the real estate subsequent to the recording of this lis pendens will take  
subject to the plaintiffs' rights as established in the action.

DATED this 31<sup>st</sup> day of March 2009.

LAW OFFICES OF BRUCE M. HULL, PLLC

By:   
BRUCE M. HULL, WSBA # 18943  
Attorney for Plaintiff  
Vladimir Zupcovic

15 (ENCL) 24-7

THE LAW OFFICES OF BRUCE M. HULL  
1500 1<sup>st</sup> Avenue, Suite 1000  
Seattle, WA 98101  
Phone: (206) 461-1111  
Fax: (206) 461-1112  
www.bmhull.com

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

VOLUNTARILY RETURNED

Plaintiff

C4 WESTERN KRILOVA BYASSO CORPORATION  
(or) WASHINGTON, D.C.

Defendants

NO. 09-2-14120-7

NOTE FOR MOTION DOCKET  
SEATTLE COURTHOUSE ONLY  
(Clerk's Action Required)  
(NATMOTR)

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2.

PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below in the Clerk's  
directed to file this issue on the calendar checked below.

Calendar Date: April 15, 2009 Day of Week: Wednesday

Nature of Motion: MOTION TEMPORARILY RESTRAINING ORDER RESERVING TRUSTEE'S SALE

**EX PARTE MOTIONS (LCR 7 (b)(3)(D) - Seattle in W325)**The original of this notice must be filed at the Clerk's Office not less than six court days prior to requested hearing date.  
Motions are scheduled 9:00-11:30 a.m. & 1:30-3:45 p.m. (except as indicated):☐ Daytime Hearing Time: 9:00 a.m. ☒ [X] Other Ex Parte Motion Hearing Time: 1:30 p.m.The original of this notice must be filed at the Clerk's Office not less than fourteen calendar days prior to requested  
hearing date - *Deliver to: Clerk, Page 2, no attachments, contrasted on temple, case in 325. Ex Parte hearings do not require  
confirmation.*☐ Auction Final Urg. Hearing Time: 9:00 a.m. LCR 93.04☐ Family Law Final Orders Day to Appear Hearing Time: No Morning Hearing Time: 1:30 p.m.☐ Probate Ordinar Hearing Time: 10:30 a.m. LCR 98.04, 98.10, 98.20**FAMILY LAW MOTIONS (FLR 6) - Seattle in W291**The original of this notice must be filed at the Clerk's Office not less than fourteen calendar days prior to the requested  
hearing date, except for summary Judgment Motions (to be filed with Clerk 72 days in advance). *Must confirm at 296.9340*(FLR 6). Deliver (on subpoena) paper to same room number & time above. **SLE PAGE 2 FOR IMPORTANT NOTICE:**☐ Change the Motion (9.10) ☐ Sealed File Motion (130) ☐ Parenting Plan Modification (threshold 1:50)**RAIJ READINESS CALENDAR - Seattle**The original of this notice must be filed at the Clerk's Office not less than five court days prior to the requested hearing date.  
You may bring this document and appear as scheduled. See posted signs for room number and Judge the day of your  
hearing. ☐ Fridays only (1:30 p.m.)

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: [Signature] Print/Type Name: RACE M. [unclear]Attorney for: Vladimir ZaytsevAddress: 14105 SE 5th Street, Suite 100, City, State, Zip Bellevue, WA 98006Telephone: 425.478.3048 Date: 03/04/2009Party requesting hearing must file motion & affidavits separately along with this motion. List names, addresses and  
telephone numbers of all parties requiring notice, including Guardian Ad Litem on page 2. Serve a copy of this notice of  
hearing, with motion & documents, on all parties. **DO NOT USE THIS FORM TO SET HEARINGS BEFORE CHIEF**

CIVIL JUDGE OR THE ASSIGNED JUDGE FOR THE CASE.

SEATTLE COURTHOUSE - 400 N. 1ST ST. SEATTLE, WA 98104-4000

Form W-325 (Rev. 8/2008)

Printed name of filer must appear on this form.

**COPY**

Page 1

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name: Cal-Western Receivables Corporation of  
Washington, a National Registered Agency, Inc.  
 Service Address: 301 Bonney Blvd. SW, Bldg. G  
 City, State, Zip: Everett, WA 98201  
 WSBA# Any For  
 Telephone #: \_\_\_\_\_

Name: Mortgage Electronic Registration Systems, Inc.  
via Mortgage LJ, Inc.  
 Service Address: 1150 Downing Way, 3rd Floor  
 City, State, Zip: Yakima, WA 98602  
 WSBA# Any For  
 Telephone #: \_\_\_\_\_

Name: \_\_\_\_\_  
 Service Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 WSBA# Any For  
 Telephone #: \_\_\_\_\_

Name: Homecomings Financial Network, Inc.  
Homecomings Financial, LLC  
 Service Address: 6800 Harbor Highway, Ste. 100  
 City, State, Zip: Mukilteo, WA 98147  
 WSBA# Any For  
 Telephone #: \_\_\_\_\_

Name: \_\_\_\_\_  
 Service Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 WSBA# Any For  
 Telephone #: \_\_\_\_\_

Name: \_\_\_\_\_  
 Service Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 WSBA# Any For  
 Telephone #: \_\_\_\_\_

**IMPORTANT NOTICE REGARDING FAMILY LAW CASES**

**IF YOU ARE THE PERSON SCHEDULING THIS MOTION**, you must confirm this hearing by calling the Family Law Motions Coordinators at 296-9340 between 2:30 p.m. and 4:15 p.m. (3) court days before the hearing and between 8:30 a.m. and 12:00 p.m. (noon) two (2) court days prior to the hearing.

**IF YOU OBJECT TO THIS MOTION**, under King County Superior Court Rule 1.1FLR 5, your response and accompanying paperwork **must be in writing** and must be delivered, not later than by 1:00 p.m. (noon) of four (4) weekdays (not including court holidays) prior to the hearing to:

- 1) the Superior Court Clerk in Room E609 (the originals go to the Clerk);
- 2) all parties' attorneys (or directly to any party who does not have an attorney) and;
- 3) the Family Law Motions Coordinators in Room W291

Any statements of a party or witness must be signed, dated and sworn to under penalty of perjury, and must contain the name and city where signed.

The moving party's reply is due by noon two court days prior to the hearing. Check-in time is 9:00 a.m. for morning hearings and 1:15 p.m. for afternoon hearings.

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES. ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The KING COUNTY COURTHOUSE is in Seattle, Washington at 516 Third Avenue.

NOTE FOR MOTION PACKETS - SEATTLE COURTHOUSE ONLY  
 Started 1/24/2008  
[www.kingcounty.gov/courts/forms.htm](http://www.kingcounty.gov/courts/forms.htm)

Page 2

Ex Parte Department Room W-325  
Hearing Scheduled: Wednesday, April 15, 2009, 02:00 p.m.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

V. ADYMER V. ZAYTSEV, an unmarried  
belvidere.

No. 09-2-14120-7

Plaintiff,

MOTION AND MEMORANDUM FOR  
TEMPORARY RESTRAINING ORDER  
RESTRAINING TRUSTEE'S SALE

CAL-WESTERN RECONVEYANCE  
CORPORATION OF WASHINGTON, a  
Washington corporation, HOMECOMINGS  
FINANCIAL NETWORK, INC., a Delaware  
corporation, and MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC., a California company

Note On Motion Calendar Ex Parte 2:00 p.m.  
Wednesday, April 15, 2009

Defendants.)

I. RELIEF REQUESTED

Pursuant to CR 65 and RCW 61.24.136, plaintiff Vladimir V. Zaytsev respectfully request  
the Court immediately enter a temporary restraining order restraining defendant Cal Western

MOTION AND MEMORANDUM  
FOR TEMPORARY RESTRAINING  
ORDER RESTRAINING TRUSTEE'S SALE

THE LAW OFFICES OF BROCK M. HUNT  
1000 1st Avenue, Suite 1000  
Seattle, WA 98101  
Tel: 206.461.1000  
Fax: 206.461.1001



Reconveyance Corporation of Washington from conducting a Trustee's Sale of plaintiff's residence scheduled to occur on April 17, 2009. For the reasons set forth herein and in plaintiff's declaration this Court should enter a temporary restraining order restraining defendant Cal-Western Reconveyance Corporation of Washington from conducting a Trustee's Sale of plaintiff's residence scheduled to occur on April 17, 2009.

## II. STATEMENT OF FACTS

1. Plaintiff is a recent immigrant from Russia and speaks, reads, writes and understands only limited English.

2. Plaintiff applied for a home loan to refinance a loan used to purchase his personal residence on or about June 28, 2006 through loan broker West Horizon Financial, Inc. ("Broker").

3. At all relevant times Broker was acting as an agent for Homecomings.

4. Plaintiff was led to believe from Broker he was getting a low interest rate loan which would remain at a low interest rate for the entire term of the loan.

5. Broker transferred to plaintiff's loan application to Homecomings which approved it.

6. Plaintiff entered into a subprime loan transaction with defendant Homecomings and Mortgage Electronic Registration Systems, Inc. ("MERS") on or about July 20, 2006 in which Plaintiff borrowed \$367,200.00 from defendant Homecomings (the "Loan").

7. The proceeds of the Loan were used to refinance a loan used to purchase the principal dwelling of the Plaintiff at 26257 125<sup>th</sup> PL SE, Kent, Washington 98030 ("Principal Dwelling").

8. At all relevant times the Principal Dwelling is the principal dwelling and primary residence

NOTION AND MEMORANDUM  
FOR TEMPORARY RESTRAINING  
ORDER RE: ANNUAL TRUSTEE'S SALE - 2

THE LAW OFFICES OF BRIAN M. BULL  
1000 1<sup>st</sup> Avenue, Suite 1000  
Seattle, WA 98101  
Phone: (206) 461-1111  
Fax: (206) 461-1112

of the Plaintiff.

9. The Loan was a closed end consumer credit transaction in which a security interest was retained or acquired in Plaintiff's Principal Dwelling which was consummated within three years of the date of the underlying Loan transaction and was not a residential mortgage transaction or other exempted transaction under 12 USC 1601 et. seq.

10. The Loan was evidenced by an (option arm) Adjustable Rate Note dated July 10, 2006 in the amount of \$367,200.00 (the "Note").

11. The Note contained a "teaser" interest rate of only 1% per annum effective for only the first payment with interest subject to change each month thereafter with a cap set at 9.97%.

12. The Note contained a prepayment penalty equal to six months had money interest on the amount of the prepayment.

13. The Note was secured by "Deed of Trust" granted by Plaintiff in favor of MBRS ("Beneficiary"), acting solely as nominee for Homecomings, dated July 20, 2006 and recorded July 25, 2006 under Auditor's File No. 20060725001398 in the records of King County, Washington against Plaintiff's Principal Dwelling.

14. Trustco sent the Notice of Trustee's Sale to Plaintiff on or about January 13, 2009.

15. The Notice of Trustee's Sale provided notice of the sale of Plaintiff's Principal Dwelling to occur April 17, 2009 pursuant to the Deed of Trust.

16. Defendant Homecomings is the lender under the Note and the Loan servicer.

17. Plaintiff was not provided material disclosures and other loan documentation prior to and after Plaintiff's Loan transaction was consummated.

18. The deficiencies include without limitation the following:

MEMORANDUM  
FOR THE COURT  
ORDER RE: TRUSTEE'S SALE - 3

THE LAW OFFICES OF BRUCE M. JONES  
1000 1st Avenue, Suite 1000  
Bellevue, WA 98004  
Tel: 206.461.1000  
Fax: 206.461.1001



[illegible]

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG). The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG).

| Number of hauls | <i>P. setiferus</i> (%) | <i>P. setiferus</i> + <i>P. setiferus</i> + <i>P. setiferus</i> (%) |
|-----------------|-------------------------|---------------------------------------------------------------------|
| 1               | 10                      | 5                                                                   |
| 2               | 25                      | 10                                                                  |
| 3               | 45                      | 15                                                                  |
| 4               | 65                      | 18                                                                  |
| 5               | 80                      | 20                                                                  |
| 6               | 90                      | 22                                                                  |
| 7               | 95                      | 23                                                                  |
| 8               | 98                      | 24                                                                  |
| 9               | 99                      | 25                                                                  |
| 10              | 100                     | 26                                                                  |

AM OBJECTS IN BRIEF NO. 1011  
 1968-1970  
 1968-1970  
 1968-1970  
 1968-1970

## V. LEGAL AUTHORITY AND ARGUMENT

### A. Standards For Injunctive Relief.

Injunctions are justified if the party seeking that relief shows (1) that it has a clear legal or equitable right, (2) a well-grounded fear of immediate invasion of that right, and (3) that the acts complained of are either resulting, or will result, in actual or substantial injury. King v. Riveland, 125 Wn.2d 509, 515, 886 P.2d 160 (1994); Washington Federation of State Employees Council 78 v. State, 91 Wn.2d 878, 887-888, 665 P.2d 1337 (1983); Tyler Pipe Industries v. Dep't. of Revenue, 96 Wn.2d 785, 792, 638 P.2d 1213 (1982); County of Spokane v. Local No. 155, 76 Wn. App. 765, 770-771, 883 P.2d 735 (1995); see also CR 65. Such injunctive relief is proper when the party applying for such relief will suffer irreparable injury, loss, or damage before an adversary proceeding can be convened in open court. Fisher v. Parkview Properties, Inc., 71 Wn. App. 468, 475, 859 P.2d 77 (1993); see also RCW 7.40.020. These various elements are reviewed as part of a balancing of the relative interests of the parties and, where appropriate, the interests of the public. Tyler Pipe, supra, 96 Wn.2d at 792.

In Id. it is stated no injury, loss or damage could be more irreparable to plaintiff than losing their home.

### B. The Trustee's Sale Should Be Restrained Pursuant to RCW 61.24.130.

RCW 61.24.130(1) provides:

- (1) Nothing contained in this chapter shall prejudice the right of the borrower, grantor, any guarantor, or any person who has an interest in, lien, or claim of lien against the property or some part thereof, to restrain, on any proper legal or equitable ground, a trustee's sale. The court shall require as a condition of granting the restraining order or

MEMORANDUM AND VERIFICATION  
FOR JUDICIAL RESTRAINING  
ORDER RESTRAINING TRUSTEE'S SALE - 8

THE LAW OFFICES OF BRIAN M. HILL  
1000 1st Avenue, Suite 1000  
Seattle, WA 98101  
Phone: (206) 461-1111  
Fax: (206) 461-1112

injunction that the applicant pay to the clerk of the court the sums that would be due on the obligation secured by the deed of trust if the deed of trust was not being foreclosed;

(c) In the case of default in making the periodic payment of principal, interest, and reserves, such sums shall be the periodic payment of principal, interest, and reserves paid to the clerk of the court every thirty days.

Plaintiff has filed a claim for recoupment, set off and damages arising out of the loan documents and thus argues that the amount of the damages plaintiff is claiming greatly exceeds the amount due to cure any default and thus plaintiff should not be required to post and bond or other amount with the clerk of the court as required by RCW 61.24.130(1)(a). Further, plaintiff is seeking the remedy of rescission which, if proven, would result in the termination of defendant Homecomings' security interest in plaintiff's residence, in which case plaintiff would owe defendant Homecomings nothing under the Note and Deed of Trust.

**C. Plaintiff Will Suffer Irreparable Injury Without Injunctive Relief.**

If defendant Cal-Western Reconveyance Corporation of Washington is allowed to continue with the trustee's Sale plaintiff would lose his primary residence. If this were to occur an award of money damages would be inadequate.

**D. Plaintiff Has Given The Trustee Notice Pursuant to RCW 61.24.130(2).**

Plaintiff has given defendant's notice as required under RCW 61.24.130(2) and RCW 61.24.130(1) including the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made and copies of all pleadings and related documents to be given to the judge.

NOTION AND MEMORANDUM  
FOR TEMPORARY RESTRAINING  
ORDER RESTRAINING TRUSTEE'S SALE - 6

THE LAW OFFICES OF BRIAN M. HILL  
10000 1st Avenue, Suite 100  
Bellevue, WA 98004  
Phone: (206) 774-1141  
Fax: (206) 774-1142

E. No Bond Should Be Posted By Plaintiff.

Plaintiff should not be required to post a bond as he is allowed damages and the rights of rescission, reassignment and setoff against the claims of defendant Homecomings. Damages and the rights of assignment and setoff far exceed the amounts being claimed by defendants as the deficiency needed to cure the default and stop the sale and the right of rescission would result in the termination of defendant Homecomings security interest and no amounts would be due and owing by plaintiff related thereto.

VI. CONCLUSION

If a temporary restraining order does not issue, plaintiff will be irreparably harmed. Plaintiff needs the protection of this Court to restore and maintain the status quo so that any disputes between the parties can be resolved in a court of law. For these reasons and for the reasons set forth more fully above, plaintiff respectfully requests this Court issue a temporary restraining order under the standards of CR 65 and RCW 61.24.130 without plaintiff having to post a bond. Plaintiff has submitted a proposed order to that effect.

DATED this 30<sup>th</sup> day of March, 2009.

LAW OFFICES OF BRUCE M. HULL, PLLC

By:   
 Bruce M. Hull, WSB# 18945  
 Attorneys for Plaintiff  
 Vladimir V. Zuykov

MOJIB AND CHIBOKANDUM  
 100 PLEADINGS, RESTRAINING  
 ORDER RESTRAINING TRUSTEE'S SALE - 7

THE LAW OFFICES OF BRUCE M. HULL  
 1100 95<sup>th</sup> Street, Suite 100  
 Everett, WA 98203  
 Phone: (425) 206-4444  
 Fax: (425) 206-4444

F. No Bond Should Be Posted By Plaintiff.

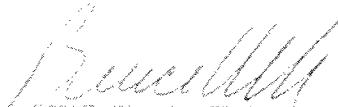
Plaintiff should not be required to post a bond as he is allowed damages and the rights of rescission, reclamation and setoff against the claims of defendant Homecomings. Damages and the rights of reclamation and setoff far exceed the amounts being claimed by defendants as the deficiency needed to cure the default and stop the sale and the right of rescission would result in the termination of defendant Homecomings security interest and no amounts would be due and owing to plaintiff hereunto.

VI. CONCLUSION

If a temporary restraining order does not issue, plaintiff will be irreparably harmed. Plaintiff needs the protection of this Court to restore and maintain the status quo so that any dispute between the parties can be resolved in a court of law. For these reasons and for the reasons set forth more fully above, plaintiff respectfully requests this Court issue a temporary restraining order under the standards of CR 65 and RCW 61.24.130 without plaintiff having to post a bond. Plaintiff has submitted a proposed order to that effect.

DATED this 31<sup>st</sup> day of March, 2009.

LAW OFFICES OF BRUCE M. HULL, PLLC

By:   
 Bruce M. Hull, WSBA # 18943  
 Attorney for Plaintiff  
 Vladimir V. Zaytsev

MOJAN AND COMPANY  
 FOR TEMPORARY RESTRAINING  
 ORDER RESTRAINING TRUSTEE'S SALE 7

THE LAW OFFICES OF BRUCE M. HULL  
 1000 1<sup>st</sup> Avenue, Suite 1000  
 Seattle, WA 98101  
 Telephone: 206.468.8888  
 Fax: 206.468.8888

VII. CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of MOTION AND MEMORANDUM FOR TEMPORARY RESTRAINING ORDER RESTRAINING TRUSTEE'S SALE, Supporting DECLARATION OF BRUCE M. HULL and PROPOSED TEMPORARY RESTRAINING ORDER AND ORDER TO RESTRAIN TRUSTEE'S SALE have been made this 31<sup>st</sup> day of March 2009, by sending a copy thereof via:

via ABC legal messenger to:

Cal-Western Reconveyance Corporation of  
Washington  
c/o National Registered Agents, Inc.  
1750 Barnes Blvd., SW, Bldg. G  
Tumwater, WA 98512-0410

Homecomings Financial Network, Inc.  
Homecomings Financial, LLC  
c/o Corporate Services Company  
6500 Harbor Heights PKWY., Suite 400  
Mukilteo, WA, 98275

and via fax and U-S mail to:

Mortgage Electronic Registration Systems, Inc.  
c/o Mortgage IT, INC.  
1350 Denning Way, 3<sup>rd</sup> Floor  
Vancouver, WA 98662  
Fax No.: 360-586-5116

  
Bruce M. Hull  
Paralegal for Bruce M. Hull

MOTION AND MEMORANDUM  
FOR TEMPORARY RESTRAINING  
ORDER RESTRAINING TRUSTEE'S SALE - 8

THE LAW OFFICES OF BRUCE M. HULL  
A Limited Liability Company  
1750 Denning Way, 3<sup>rd</sup> Floor  
Vancouver, WA 98662  
Fax: 360-586-5116  
E-mail: b.hull@bhmllaw.com

Ex Parte Department Room W-325  
Hearing Scheduled: Wednesday, April 15, 2009, 02:00 p.m.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

VLADIMIR V. ZAYTSEV, an unmarried  
individual,

Plaintiff,

CAL-WESTERN RECONVANCE  
CORPORATION OF WASHINGTON, a  
Washington corporation, HOMECOMINGS  
FINANCIAL NETWORK, INC., a Delaware  
corporation, and MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC., a California company,

Defendants.)

No. 09-2-14120-7

DECLARATION OF  
BRUCE M. HULL IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING  
ORDER AND RESTRAINT OF  
TRUSTEE'S SALE

Bruce M. Hull hereby declares as follows:

1. I am the attorney representing plaintiff in this action. I have personal knowledge of all matters set forth in this declaration.
2. On March 31, 2009, I caused to be served by ABC Legal Messenger, a copy of plaintiff's Complaint, Motion and Memorandum for Temporary Restraining Order, Proposed

DECLARATION OF BRUCE M. HULL - 1

**COPY**

THE LAW OFFICES OF BRUCE M. HULL  
1100 1st Avenue, Suite 1000  
Seattle, WA 98101  
Phone: 206.461.1000  
Fax: 206.461.1001  
Email: b.hull@bhmllaw.com

Temporary Restraining Order, this Declaration and a letter describing where and when the Motion would be heard to defendants Cal-Western Reconveyances Corporation of Washington by and through its registered agent for service National Registered Agents, Inc., 1780 Barnes Blvd., SW, Bldg. G, Tumwater, Washington 98517-9510 and Homecomings Financial Network, Inc. & Homecomings Financial, LLC by and through its registered agent for service Corporate Services Company, c500 Harbor Heights Pkwy, Suite 400, Mukilteo, WA 98275.

3. Attached as Exhibit A is a true and correct copy of the return of service from NRO Legal Services.
4. On March 31, 2009, I caused to be served by first-class and United States Mail a copy of plaintiff's Complaint, Motion and Memorandum for Temporary Restraining Order, Proposed Temporary Restraining Order, this Declaration and a letter describing where and when the Motion would be heard to defendant Mortgage Electronic Registration Systems, Inc. by and through its registered agent for service Mortgage TL, INC., 1380 Canyon Way, Ste 200, Everett, WA 98201, Fax No., 866-786-5116.
5. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

DATED this 31<sup>st</sup> day of March, 2009.

LAW OFFICES OF BRUCE M. HULL, PLLC

By   
 Bruce M. Hull, WSBA # 18943  
 Attorney for Plaintiff  
 Vladimir V. Zastava

DECLARATION OF WM OF M HULL-2

THE LAW OFFICES OF BRUCE M. HULL  
 1380 Canyon Way, Ste 200  
 Everett, WA 98201  
 Tel: 425-255-1111  
 Fax: 866-786-5116  
 E-mail: b.hull@bhmhll.com



# EXHIBIT A

Ex Parte Department Room W-325  
Hearing Scheduled: Wednesday, April 15, 2009, 02:00 p.m.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

|                                                  |   |                         |
|--------------------------------------------------|---|-------------------------|
| VLADIMIR V. ZAYTSEV, an unmarried<br>individual, | ) | No. 09-2-14120-7        |
|                                                  | ) |                         |
| Plaintiff,                                       | ) | TEMPORARY RESTRAINING   |
|                                                  | ) | ORDER AND ORDER TO      |
| v.                                               | ) | RESTRAIN TRUSTEE'S SALE |
|                                                  | ) |                         |
| CAL-WESTERN RECONVEYANCE                         | ) | (PROPOSED)              |
| CORPORATION OF WASHINGTON, a                     | ) |                         |
| Washington corporation, HOMEcomings              | ) |                         |
| FINANCIAL NETWORK, INC., a Delaware              | ) |                         |
| corporation, and MORTGAGE                        | ) | Clerk's Action Required |
| ELECTRONIC REGISTRATION SYSTEMS,                 | ) |                         |
| INC., a California company,                      | ) |                         |
|                                                  | ) |                         |
| Defendants,                                      | ) |                         |

THIS MATTER comes before the Court by motion of plaintiff Vladimir V. Zaytsev for immediate entry of a Temporary Restraining Order pursuant to CR 65, FC 65 and RC 4A 04 24.130. Plaintiff has filed a Complaint, a Motion And Memorandum For Temporary Restraining Order Against Defendants, and the Declaration of Bruce M. Hull In Support Of Plaintiff's Motion For Temporary Restraining Order.

TEMPORARY RESTRAINING ORDER - 1

THE LAW OFFICES OF BRUCE M. HULL  
1000 1st Avenue, Suite 1000  
Seattle, WA 98101  
Phone: 206.461.1111  
Fax: 206.461.1112

**COPY**

HAVING REVIEWED all of the pleadings submitted, the Court finds as follows:

1. Plaintiff has shown a well-grounded fear that absent entry of a temporary restraining order, he will suffer irreparable damages.
2. Sufficient grounds exist under RCW 61.24.130 to restrain the trustee's sale scheduled to occur on April 17, 2009 at 10:00 a.m. ("Trustee's Sale").
3. Plaintiff has reasonable grounds for not requiring plaintiff to provide a bond or security to the clerk of the court.
4. Defendants were given proper notice of the April 15, 2009 hearing.

WHEREFORE, IT IS ORDERED:

Defendant Cal-Western Reconveyance Corporation of Washington shall:

1. Refrain from conducting and continuing with the Trustee's Sale.

THIS RESTRAINING ORDER IS ENTERED at \_\_\_\_\_ a.m./p.m. this 15<sup>th</sup> day of April 2009, and shall expire, unless extended by subsequent order, fourteen days from the date of entry hereof.

The Court hereby sets a hearing for defendants to show cause, if any, they may have as to why the restraint herein should not be made a preliminary injunction, for \_\_\_\_\_ a.m./p.m. Pacific Standard Time on the \_\_\_\_\_ day of April 2009, at the King County Courthouse, Seattle, Washington, Room \_\_\_\_\_, to argue before the Honorable \_\_\_\_\_ Judge of this Court.

DONE IN OPEN COURT this 15<sup>th</sup> day April, 2009.

JUDGE/COURT COMMISSIONER

EMERGENCY RESTRAINING ORDER - 1

THE LAW OFFICES OF BRUCE M. HOLT  
 400 West Pike Street, Suite 200  
 Seattle, WA 98101  
 Phone: (206) 461-0000  
 Fax: (206) 461-0001

Presented by:

LAW OFFICES OF BRUCE M. HULL, PLLC

By:   
Bruce M. Hull, WSBA # 18943  
Attorneys for Plaintiff  
Vladimir V. Zaytsev

TEMPERARY RESTRAINING ORDER 13

THE LAW OFFICES OF BRUCE M. HULL  
1000 1st Avenue, Suite 1000  
Seattle, WA 98101  
Phone: (206) 461-1111  
Fax: (206) 461-1112

FILED

09 APR 06 PM 12:00

KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED  
CASE NUMBER: 09-2-14120-7 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

VLADIMIR V. ZAYTSEV, an unmarried  
individual;

Plaintiff,

v.

CAL-WESTERN RECONVEYANCE  
CORPORATION OF WASHINGTON, a  
Washington corporation, HOMECOMINGS  
FINANCIAL NETWORK, INC., a Delaware  
corporation, and MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC., a California company.

Defendants.)

No.: 09-2-14120-7 SEA

NOTICE OF UNAVAILABILITY OF  
COUNSEL

EACH OF YOU WILL PLEASE TAKE NOTICE that the undersigned attorney will be  
unavailable from April 6 through April 14, 2009. The parties and Court are requested to schedule no  
motions, hearings or other matters during that period.

NOTICE OF UNAVAILABILITY OF COUNSEL - 1

THE LAW OFFICES OF BRUCE M. HULL  
*A Professional Limited Liability Corporation*  
14100 SE 36<sup>th</sup> Street, Suite 100  
Bellevue, WA 98006  
Phone: (425) 378-8088  
Fax: (425) 378-3373

1 DATED this 3<sup>rd</sup> day of April, 2009.

2 LAW OFFICES OF BRUCE M. HULL, pllc

3 By: s/ Bruce M. Hull  
4 Bruce M. Hull, WSBA # 18943  
5 Attorneys for Plaintiff  
6 Vladimir V. Zaytsev  
7  
8  
9

10 **CERTIFICATE OF SERVICE**

11 IT IS HEREBY CERTIFIED that service of **NOTICE OF UNAVAILABILITY OF**  
12 **COUNSEL** has been made this 3<sup>rd</sup> day of April 2009, by sending a copy thereof via US mail to:

13 Cal-Western Reconveyance Corporation of  
14 Washington  
15 c/o National Registered Agents, Inc.  
16 1780 Barnes Blvd. SW, Bldg. G  
Tumwater, WA 98512-0410

Homecomings Financial Network, Inc.  
Homecomings Financial, LLC  
c/o Corporate Services Company  
6500 Harbor Heights PKWY, Suite 400  
Mukilteo, WA, 98275

17 Mortgage Electronic Registration Systems, Inc.  
18 c/o Mortgage IT, INC.,  
1350 Deming Way, 3<sup>rd</sup> Floor  
Vancouver, WA 98662

19  
20 s/ Illya Lisunov  
21 Illya Lisunov  
22 Paralegal for Bruce M. Hull  
23  
24  
25  
26

NOTICE OF UNAVAILABILITY OF COUNSEL - 2

**THE LAW OFFICES OF BRUCE M. HULL**  
*A Professional Limited Liability Corporation*  
14100 SE 36<sup>th</sup> Street, Suite 100  
Bellevue, WA 98006  
Phone: (425) 378-8088  
Fax: (425) 378-3373

~~~~~  
Case Number: 09-2-14120-7
Case Title: ZAYTSEV VS CAL WESTERN RECONVEYANCE CORP ET AL
Document Title: NOTICE BRUCE M. HULL RE UNAVAILABILITY FO COUNSEL
User's Name: Bruce Hull
Filed Date: 4/6/2009 12:00:50 PM

User Signed

Signed By: Bruce Hull
WSBA #: 18943
Date: 4/6/2009 11:58:31 AM

FILED
09 APR -6 AM 10:40
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

**SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF
WASHINGTON**

VLADIMIR V ZAYTSEV, AN UNMARRIED
INDIVIDUAL

Plaintiff/Petitioner

Cause #: 09-2-14120-7SEA

vs.
CAL-WESTERN RECONVEYANCE CORPORATION OF
WASHINGTON, A WASHINGTON CORPORATION;
ET AL

Defendant/Respondent

Declaration of Service of:

LETTER; SUMMONS; COMPLAINT TO RESTRAIN
TRUSTEE'S SALE, TEMPORARY RESTRAINING ORDER
AND FOR RESCISSION, DAMAGES, OFFSET AND
RECOUPMENT; LIS PENDENS; NOTE FOR MOTION
DOCKET; MOTION AND MEMORANDUM FOR TEMPORARY
RESTRAINING ORDER RESTRAINING TRUSTEE'S SALE;
DECLARATION OF BRUCE M HULL IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING
ORDER AND RESTRAINT OF TRUSTEE'S SALE;
PROPOSED TEMPORARY RESTRAINING ORDER AND
ORDER TO RESTRAIN TRUSTEE'S SALE; CASE
ASSIGNMENT DESIGNATION AND CASE INFORMATION
COVER SHEET

Hearing Date: Apr 15 2009

Declaration:


The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the date and time of Apr 1 2009 1:20PM at the address of 1780 BARNES BLVD SW TUMWATER, within the County of THURSTON, State of WASHINGTON, the declarant duly served the above described documents upon CAL-WESTERN RECONVEYANCE CORPORATION OF WASHINGTON by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with CAROL SHELTON, AGENT FOR NATIONAL REG. AGENTS, INC., REG. AGENT.

No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: April 2, 2009 at Olympia, WA

by 
S. Treiber PSR2009-0311-06

Service Fee Total: \$ 76.14



ABC Legal Services, Inc.
206 521-9000
Tracking #: 5781645



**ORIGINAL
PROOF OF SERVICE**

Page 1 of 1

EXHIBIT A

ZAYSTEV, VLADIMIR
Hull, Bruce M.
14100 SE 36th St, #100
Bellevue, WA 98012
425 378-8088

Page 45 of 98

FILED
 09 APR -6 AM 10:40
 KING COUNTY
 SUPERIOR COURT CLERK
 SEATTLE, WA

**SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF
 WASHINGTON**

VLADIMIR V. ZAYTSEV, AN UNMARRIED
 INDIVIDUAL

Plaintiff/Petitioner

Cause #: 09-2-14120-7 SEA

vs.

CAL-WESTERN RECONVEYANCE
 CORPORATION OR WASHINGTON, A
 WASHINGTON CORPORATION; ET AL

Defendant/Respondent

Declaration of Service of:

SUMMONS AND COMPLAINT TO RESTRAIN TRUSTEE'S
 SALE, TEMPORARY RESTRAINING ORDER AND FOR
 RESCISSION, DAMAGES, OFFSET AND RECOUPMENT;
 LIS PENDENS; NOTE FOR MOTION DOCKET; MOTION
 AND MEMORANDUM FOR TEMPORARY RESTRAINING
 ORDER RESTRAINING TRUSTEE'S SALE; DECLARATION
 OF BRUCE M. HULL IN SUPPORT OF PLAINTIFFS' MOTION
 FOR TEMP. RESTRAINING ORDER AND RESTRAINT OF
 TRUSTEE'S SALE; TEMPORARY RESTRAINING ORDER
 AND ORDER TO RESTRAIN TRUSTEE'S SALES; LETTER;
 CASE INFORMATION COVER SHEET;

Hearing Date: Apr 15 2009

Declaration:

The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the date and time of Apr 1 2009 3:05PM at the address of 6500 HARBOUR HEIGHTS PKWY #400 MUKILTEO, within the County of SNOHOMISH, State of WASHINGTON, the declarant duly served the above described documents upon CORPORATION SERVICE COMPANY as Registered Agent for HOMECOMINGS FINANCIAL NETWORK, INC., HOMECOMINGS FINANCIAL, LLC by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with PETER FLEETWOOD, AGENT CORPORATION SERVICE CO. REGISTERED AGENT.

No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: April 2, 2009 at Everett, WA

by



L. Monnie SC9207

Service Fee Total: \$ 125.50



ABC Legal Services, Inc.
 206 521-9000
 Tracking #: 5652120



**ORIGINAL
 PROOF OF SERVICE**

Page 1 of 1

EXHIBIT A

ZAYTSEV, VLADIMIR
 Hull, Bruce M.
 14100 SE 36th St, #100
 Bellevue, WA 98012
 425 378-8088

Page 46 of 98